

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dowe
Serial No.: 10/591,039
Filed: 8/29/2006
Art Unit: 3711
Examiner: Pierce, William M.
Title: **Word Game Puzzle Helper**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Dear Sir:

This paper is responsive to the final office action dated 16 October 2008. Please reconsider the rejections in view of the below remarks.

REMARKS

Applicant thanks the Examiner for the detailed remarks. Claims 1-22 are pending in the application.

Applicant notes that claims 21 and 22 were presented in the previous response but were not examined and are not included in any rejection. Applicant respectfully requests allowance or examination on the merits of claims 21 and 22.

Claims 1, 2-7, and 11-20 were rejected under §102(b) as being anticipated by Elum as set forth in the previous office action. The Examiner responded to Applicant's prior arguments that the claim term "diagramless grid" does not have an explicit definition and has many variations found in the art such that there is no one understood meaning that Applicant can rely upon for distinguishing over the Elum reference. Respectfully, Applicant disagrees because the term

“diagramless grid” does have an ascertainable meaning that is recognized in the art of games. For instance, the publication “The Crossword Obsession” (see supplement IDS) defines a diagramless crossword as having a blank grid such that the solver must figure out the pattern of spacer squares and starting points of the entries. The publication “The Compleat Cruciverbalist” similarly defines (see page 53) a diagramless crossword as having no black squares and no numbers in the grid. The Detroit News newspaper also publishes diagramless puzzles (see Supplement IDS, third page of excerpt from 6-13-01) that are blank grids having no black spacer squares or numbers in the grid. Also, the LiDonnici reference cited by the Examiner defines (see column 1, lines 29-36) diagramless crosswords as including a featureless grid having no black separator cells or clue numbers in the cells. The crossword puzzle of the Elum reference includes black spacer squares between the answer squares and numerals designating the locations of the answers and therefore cannot be interpreted as a diagramless grid. Accordingly, the rejection should be withdrawn.

Claims 8-10 were rejected under §103(a) as being unpatentable over Elum in view of Ferguson. As discussed above, base claim 1 includes features that are not found in Elum. The Examiner relies on Ferguson for the use of symmetric coordinates. Therefore, adding the teachings of Ferguson does not resolve the defects of Elum. Accordingly, the rejection should be withdrawn.

Claims 1, 2, and 11-14 were rejected under §103(a) as being unpatentable over LiDonnici in view of Elum. The Examiner relies on Elum for providing the claimed reference mark relating a location of the first space in the diagramless grid blank answer spaces to a location of the second space in the diagramless grid. The Examiner remarked in response to Applicant’s previous argument that relating the locations of the first and second answer spaces was an intended use rather than structure of the puzzle. Respectfully, Applicant disagrees because the feature of relating the locations of the first and second answer spaces implicates structure of the reference mark in order to relate the locations to one another. Not all marks have a structure that is capable of relating locations of spaces in a grid. For instance, the shading/coloring in Elum that the Examiner relies on as the claimed reference mark does not relate grid locations to one another. The color/shading merely indicates the type of letter from the alphabet that is to be

entered in that particular square and is independent of grid location. The color/shading in Elum cannot be used to relate symmetric locations in the grid. Accordingly, the rejection should be withdrawn.

Claims 3-7 were rejected under §103(a) as being unpatentable over LiDonnici in view of Elum and Harris. The Examiner relies on Harris for providing the claimed symmetric pattern of the reference mark. However, the symmetric pattern in Harris includes black spacer squares and numbered squares that indicate the locations of the answers to be entered. Therefore, inclusion of the black spacer squares in LiDonnici would transform LiDonnici into a conventional type of crossword game board that is not diagramless as claimed. Accordingly, the rejection should be withdrawn.

Applicant believes that no additional fees are necessary; however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds P.C. for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

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